

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF MASSACHUSETTS

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 DISTRICT OF MASS.

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 JANICE FLANDERS,  
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 )  
 Plaintiff,  
 )  
 )  
 v. )  
 )  
 LEVY HOME ENTERTAINMENT, INC. )  
 and CHAS. LEVY CIRCULATING CO., )  
 )  
 Defendants. )  
 \_\_\_\_\_

CIVIL ACTION NO. 04-12151-JLT

**JOINT STIPULATION OF THE PARTIES**

The parties, plaintiff Janice Flanders ("Flanders" or "plaintiff") and defendants Levy Home Entertainment LLC, formerly known as Levy Home Entertainment, Inc., and Chas. Levy Circulating Co. LLC, formerly known as Chas. Levy Circulating Co. (collectively "defendants") hereby state and stipulate as follows:

1. In her Complaint and Civil Cover sheet filed in the Superior Court of Bristol County for the Commonwealth of Massachusetts on July 13, 2004, Flanders indicated that she was seeking \$54,059.40 in economic damages, unquantified damages for "emotional and psychological injuries, including depression," and unquantified punitive damages and attorneys' fees.
2. Because it appeared on the face of the pleadings that Flanders' claimed damages, inclusive of attorneys' fees but exclusive of interests and costs, exceeded seventy-five thousand dollars (\$75,000.00), defendants removed the case to the United States District Court for the District of Massachusetts.

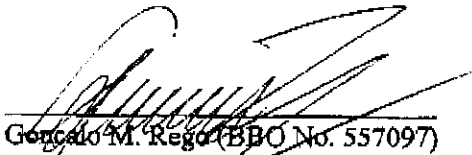
3. Flanders now stipulates that her damages, including attorneys' fees but exclusive of interest and costs, do not exceed \$75,000. Flanders understands that, by so stipulating, she is waiving any right to recover damages in excess of this amount.

4. Based on this Stipulation, defendants agree not to oppose Flanders' Motion to Remand dated November 1, 2004. Defendants do not waive, and specifically reserve all rights and defenses with respect to Flanders' underlying claims, and deny that they are liable to Flanders for any damages.

Respectfully submitted,

JANICE FLANDERS,


By her Attorney,

  
Gonzalo M. Rego (BBO No. 557097)  
411 Columbia Street  
Fall River, MA 02721  
(508) 678-3400

Respectfully submitted,

LEVY HOME ENTERTAINMENT, LLC,  
and CHAS. LEVY CIRCULATING CO., LLC,

By their attorneys,

  
Dean Richlin (BBO #419200)  
Michael L. Rosen (BBO #559954)  
Christopher J. Powell (BBO #658884)  
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Date: November 10, 2004